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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/649,818	08/28/2003	Frederick Johannes Bruwer	20000/WAB	5985
7590	04/21/2004		EXAMINER	
William A. Blake Jones, Tullar & Cooper, P.C. Eads Station P.O. Box 2266 Arlington, VA 22202				HUYNH, KHOA D
		ART UNIT	PAPER NUMBER	3751
DATE MAILED: 04/21/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/649,818	BRUWER, FREDERICK JOHANNES
	Examiner Khoa D. Huynh	Art Unit 3751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM  
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 28 August 2003.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-23 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-23 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date. _____ .  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>01/20/04</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____ .                                  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-23, as presently and best understood, are rejected under 35 U.S.C. 102(e) as being anticipated by Henkin et al. (6652742).

Regarding claims 14 and 15, the Henkin et al. reference discloses an automatic pool cleaner. The Henkin et al. further discloses that the automatic pool cleaner can be used with an external source of power (10) or an on-board source (Fig. 15) which is not connected to any external power source via electric leads. As schematically shown in Figure 15, the pool cleaner includes a electrical energy supply means (400, 412) for generating electrical energy by water flowing through the cleaner and control means (22 or 420) which is powered by the electrical energy supply means for controlling an operation characteristic (i.e. the propulsion subsystem) of the pool cleaner. Also, as shown in Figure 15, the electrical energy supply means includes a drive means (the turbine 400) responsive to water flowing from the inlet (402) to the outlet 404 and electrical energy generating means (412) for producing a supply voltage.

Regarding claims 16, 17 and 20, the control means is responsive the sensing means (col. 11, lines 42-43; col. 5, lines 63-68 and col. 6, lines 1-7) for

controlling the operating condition which relates to the movement of the cleaner and the direction of the cleaner.

Regarding claims 18 and 19, the control means further includes storage means (col. 5, lines 41-53) which is used for storing a plurality of operating modes or parameters relating to the pool cleaning movement based on the type of cleaning surface.

Regarding claim 21, the control means also includes a valve that is controlled by the control means to regulate water flow (col. 7, lines 5-8).

Regarding claim 22, the control means also includes a suction inlet that is operable to impart or generate thrust (col. 7, lines 13-30) in order to change the direction of movement of the cleaner.

Regarding claims 23, the Henkin et al. reference also discloses that the pool cleaner also includes sensors (66 and motion sensor), and wherein the control means controls movement of the cleaner in response to the sensors (i.e. sensor 66 causes the sinking or floating movement of the cleaner based on the type of surface cleaning, motion sensor ensures the directional movement of the cleaner).

Regarding claims 1-13, the method as claimed would be inherent during the normal use and operation of the Henkin et al. device.

### ***Conclusion***

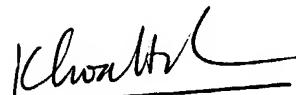
2. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Landsberger et al. was cited to show an underwater robot having

water driven turbine for generating electricity for powering various components. Henkin et al. was cited to show an automatic pool cleaner having motion sensor and repositioning means.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khoa D. Huynh whose telephone number is (703) 306-5483. The examiner can normally be reached on M-F (7:00-4:30) Second Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Huson can be reached on (703) 308-2580. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Khoa D. Huynh  
Patent Examiner  
Art Unit 3751

HK  
04/19/2004